

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PLUMBERS AND STEAMFITTERS	:	
LOCAL486 PENSION FUND, et al.	:	
	:	
v.	:	CIVIL NO. RDB 05-2962
	:	
DANIEL MOES, d/b/a DLM	:	
MECHANICAL, INC.	:	

MEMORANDUM OPINION

The Defendant/Judgment Debtor, Daniel Moes, d/b/a DLM Mechanical, Inc. ("Moes") has filed a Motion to Set Aside Entry of Default and to Vacate Default Judgment in this case (Paper # 12). The Court has reviewed the history of this case and the submissions of the parties and no hearing is necessary. Local Rule105.6 (D. Md. 2004). For the reasons that follow, Moes' motion is DENIED.

Background

With the exception of a dispute as to receipt of the notice of a hearing on the amount of the damage award, the facts in this matter are undisputed. The Plaintiffs/Judgment Creditors Plumbers and Steamfitters Local 486 Pension Fund, et al. ("Plumbers"), filed suit against Moes on October 31, 2005, in this Court for delinquent employee benefit contributions owing for a four month period in 2005 pursuant to § 502 of the Employees Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. A 1132. Moes was personally served with the complaint and summons on November 29, 2005, and failed to file an